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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,502	05/31/2001	Johann Pramberger	DE919990100US 1	9777
<div> <div>7590</div> <div>09/03/2004</div> </div>				
Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560			<div>EXAMINER</div> <div>GORDON, CARLENE MICHELLE</div>	
			<div>ART UNIT</div> <div>2124</div>	<div>PAPER NUMBER</div>

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/871,502	Applicant(s) PRAMBERGER, JOHANN	
	Examiner Carlene Gordon	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☒ Claim(s) 1,2,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/10/2001</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the application filed on May 31, 2001.

Claims 1-35 have been submitted for examination.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "45" has been used to designate both Generated Elements in Fig. 4A and Project Definitions in Fig. 7. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "22" and "86" have both been used to designate "XSCML Processor", reference characters "41" and "82" have both been used to designate "Project Meta Data". Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended.

The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference numbers 53, 56, 57, 58, 60.

The relation of reference number 45 to Fig. 7.

Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description:

Reference number 26 on pg. 44, line15 of Specification.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure

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sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

8. The disclosure is replete with spelling errors. Examples of these spelling errors are:

"reproducibile" pg. 12, line 7 of Specification.

"than" pg. 45, line 5 of Specification.

Appropriate correction is required.

9. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Reference number 139 on pg. 46, line 24 of Specification incorrectly refers to the view update step of Fig. 13.

Unclear statement "the lock is taken ... taken away" pg. 46, line 19 of Specification.

The use of the terms "system view" starting on pg. 45, line 14.

The use of the terms "product model" on pg. 45, line 1 of Specification to refer to Reference 110 of Fig. 11.

### ***Claim Objections***

10. Claims 1-2, and 17-18 are objected to because of the following informalities:

The spelling of "ore" on line 13 of claim 1.

The spelling of "ore" on line 24 of claim 2.

The spelling of "ore" on line 3 of claim 17.

The spelling of "ore" on line 15 of claim 18.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because it is unclear as to what procedure is involved



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in the step of "utilizing a common software configuration markup language in a computer system". How is the "markup language" used in this system?

Furthermore, the term "operable" renders claim 1 indefinite because the language suggests that the processes following may or may not be performed.

The scope of claim 1 cannot be determined.

13. Claim 14 is indefinite for the lack of antecedent basis because "the calling step" may not be performed given the language of claim 2 which states "comprising at least on of the steps". It is unclear from claim 2 in view of the specification whether "the calling step" will be performed.

14. Claim 33 recites the limitation "the one or more library systems" in lines 1-2 of claim 33 on pg. 59. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1-2, 5-8, 17-18, 21-24, 33-35, are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (U.S. Patent No. **6,256,773**), hereafter **"Bowman"**.

**As to claim 1:**

Bowman discloses utilizing a common software configuration markup language (col. 8, lines 10-14, "utilizes markup language") in a computer system including at least one server which is connected to a plurality of client computers, the server having a memory (Fig. 1, col. 3, lines 23-43, "system", "network", "RAM") for storing product elements which may be linked together to form at least one version of a software package (col. 53, lines 59-64, "objects are stored"- must be stored in system in memory – wherein objects are consistent with software components or product elements, as suggested in col. 5 lines 32-37 "software... components, ... available to the developer as objects"- ), and further for storing processes usable by the clients to maintain the product elements (col. 49, lines 49-51, "store... process"), and tools usable by the clients to define and maintain relations between product elements (col. 2, lines 28-43, "tools for managing... versions"; col. 26, lines 25- 37 "processes associated with version control", "applies to software components", ");

wherein the common software configuration markup language is operable to at least one of define a project, and define relations between the product elements (col. 25 lines 39-60, "... HTML scripts, and Java applets."), and further

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wherein a framework associated with the common software configuration markup language system-independent (Fig. 10 "Development Tools Framework"; -cols. 8, line 7-30, "development of frameworks", "utilizes HyperText Markup Language (HTML)", "one platform to another").

**17. As to claim 2:**

Rejection of claim 1 is incorporated and further, Bowman discloses storing the product elements, processes and tools in the memory of the at least one server and assigning the product elements, processes and tools in storage to the software configuration framework (col. 49, lines 49-51, "A repository can store... process, development objects..." –wherein the repository resides in the "Integrated Development Environment Architecture... framework... processes, and tools." col. 9 lines 31-40- wherein the framework is stored in memory).

**18. As to claim 5:**

Rejection of claim 1 is incorporated, and further Bowman disclose generating commands in the common software configuration markup language via a control program in the server, wherein the control program is part of the software configuration framework (Fig. 2, Configuration Management – which is part of the development framework stored in the server of claim 1; col. 25 lines 30-60, "HTML:" – which must be implemented using a control program).

**19. As to claim 6:**

Rejection of claim 1 is incorporated, and further Bowman discloses the common software configuration markup language is used for defining a project (col. 25, lines 39-60, "HTML... respective documentation) to one of develop and update a software product in a first server, via the steps of accessing project definition data and data on project states (col. 42, lines 60-64 "Information Management tools 262 manage the entire project" –wherein Information management is provided through a repository col. 49 lines 34-40) (col. 50 lines 45-57, "repository support... in multiple phases of development"), user access rights (col. 50 lines 49-57 "repository tool... control access to versions of objects") and element relations in a database connected to the first server to set up the project (col. 49 lines 34-44 "repository... a single database" –wherein the repository is stored on the first server-)and repeatedly accessing and updating project status data in the database (col. 50 lines 49-57 "multiple developer... one developer update access to a particular object at a time" –hence repeated access).

**20. As to claim 7:**

Rejection of claim 1 is incorporated, and further Bowman discloses wherein the common software configuration markup language is used for preparing an edit action for product elements comprising the steps of invoking an editor to which the product and process definition, element states and relations among elements are provided by a control program in a first server, wherein the control program is associated with the software configuration framework, and

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accessing processes and tools in the database for one of developing new product elements and modifying and updating existing product elements by the control program (see col. 93 line 54 – col. 95 line 16, “editor... provided by Integrated Development Environments”, “Editor support multiple languages....HTML”).

21. **As to claim 8:**

Rejection of claim 7 is incorporated, and further Bowman discloses wherein the editor uses a language which is independent of the common software configuration markup language (col. 3, lines 50-66 “written in Java”, col. 95 lines 10-16, “Editor supports Multiple Languages .... Java”).

22. **As to claims 17 and 34**, rejection of claim 1 is incorporated and further claims 17 and 34 recite limitations as recited in claim 1, therefore, claims 17 and 34 are rejected under the same rationale as claim 1.

23. **As to claims 18 and 35**, rejection of claim 2 is incorporated and further claims 18 and 35 recite limitations as recited in claim 2, therefore, claims 18 and 35 are rejected under the same rationale as claim 2.

24. **As to claim 21**, rejection of claim 5 is incorporated and further claim 21 recites limitations as recited in claim 5, therefore, claim 21 is rejected under the same rationale as claim 5.

25. **As to claim 22**, rejection of claim 6 is incorporated and further claim 22 recites limitations as recited in claim 6, therefore, claim 22 is rejected under the same rationale as claim 6.

26. **As to claim 23**, rejection of claim 7 is incorporated and further claim 23 recites limitations as recited in claim 7, therefore, claim 23 is rejected under the same rationale as claim 7.

27. **As to claim 24**, rejection of claim 8 is incorporated and further claim 24 recites limitations as recited in claim 8, therefore, claim 24 is rejected under the same rationale as claim 8.

28. **As to claim 33**, rejections of claims 1 and 2 are incorporated and further claim 33 recites limitations as recited in claims 1 and 2, therefore, claim 24 is rejected under the same rationale as claims 1 and 2.

29. Claims 3-4, 9-16, 19-20, and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman as applied to claims 1 and 17 above, and further in view of Goiffon et al. (U.S. Patent No. 6,226,792), hereafter "**Goiffon**".

30. **As to claim 3:**

Rejection of claim 1 is incorporated, and further Bowman does not

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explicitly disclose that the common software configuration markup language is an extensible markup language. However, Goiffon discloses the use of XML (eXtensible Markup Language) format (col. 13. line 52 - col. 14 line 6, "format is XML").

One of ordinary skill in the art at the time of the applicant's invention would have been motivated to combine the object management system for managing software components of Goiffon with the software configuration management system of Bowman in order to use the XML format as disclosed by Goiffon. One would have been motivated to do so because XML offer greater flexibility by allowing developers and designer to create customized tags, and provides a format that is platform independent, therefore allowing software developers to collaborate on applications, even if they are not using the same development tools.

**31. As to claim 4:**

Rejection of claim 1 is incorporated, and further claim 4 recites limitations already discussed in connection with the claim 3, therefore, see rejection of claim 3.

**32. As to claim 9:**

Rejection of claim 1 is incorporated, and further Goiffon discloses the common software configuration markup language is used for building packages of product elements in a second server, connected to a database, via the steps

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of accessing processes and tools in one of a memory of the second server and the database so as to compile and link product elements to form program packages (see col. Figs. 1, 2A, and 2B shows Object Management System, Client Server, Script Server, col. 7 lines 17-47, "Import/Export Exchanges... XML", col. 7 lines 1-6 "Element Inventory ...processes and tools"). The motivation to combine the disclosure of Goiffon with the disclosure of Bowman is already discussed in connection to claim 3.

**33. As to claim 10:**

Rejection of claim 1 is incorporated, and further Goiffon discloses the step of generating self-documenting product elements and packages of product elements, and updates thereof, via the common software configuration markup language (see col. 7, lines 30 –42, "Export...XML", "creates a self-defining intermediate file", "element from Element Inventory").

**34. As to claim 11:**

Rejection of claim 2 is incorporated, and further Bowman shows storing the framework and assigning the product elements, processes and tools to the framework, (see discussion of claim 2). Goiffon further discloses storing in a plurality of geographically distributed computer systems connected through a communication network and assigning to the framework in memories of each distributed computer systems (Figs. 1, 2A, and 2B, col. 7. lines 10-47, "stored in the Element Inventory Schema (103)...", "Remote Object Management System



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(107)", "copy element... between multiple Object Management Systems"). One of ordinary skill in the art at the time of the applicant's invention would have been motivated to combine the invention of Goiffon with the invention of Bowman to transport a software solution from a first data processing platform to a second platform to leverage the existing knowledge base, as suggested by Goiffon col. 2, lines 5-19. Also see discussion in connection to claim 3.

**35. As to claim 12:**

Rejection of claim 11 is incorporated, and further as discussed in connection to claims 1 and 3, it is obvious over the disclosure of Bowman and Goiffon that commands are generated in the common software configuration markup language by a control program which is part of the software configuration framework.

**36. As to claim 13:**

Rejection of claim 11 is incorporated, and further as discussed in connection to claims 7, 9 and 11, it is obvious over the disclosure of Bowman and Goiffon the steps of editing product elements in each of the distributed systems by using a first server which is connected to a locally installed database, and building packages by a second server connected to the database.

**37. As to claim 14:**

Rejection of claim 11 is incorporated, and further Goiffon discloses the calling step comprises calling elements, tools and processes by at least one of the clients attached to the servers in each of the distributed systems, (col. 13 line 50 – col. line 18 “called by script of Client... or Server” see Fig. 2A) and editing the elements by using one of same and different programming languages which are independent of the common software configuration markup language, (see discussion in connection to claims 7 and 8).

**38. As to claim 15:**

Rejection of claim 11 is incorporated, and further Goiffon discloses the step of transferring changes of the product elements, which result from processing of the product elements by each of the distributed systems, to the other distributed systems (col. 1, “Changes made to code component...”, col. 16, lines 4-50, see Figs. 2A, 2B .

**39. As to claim 16:**

Rejection of claim 11 is incorporated, and further as discussed in connection to claims 1 and 7, it is obvious over the disclosures of Bowman and Goiffon wherein one of the distributed systems is used as master system, the memory of which contains project definition and process definition data in the common software configuration markup language, the data being used by a control program to initiate the software configuration framework (see Bowman, Figs. 1, and 10; Goiffon, Figs. 1, 2A, and 2B).

40. **As to claim 19**, rejection of claim 3 is incorporated and further claim 19 recites limitations as recited in claim 3, therefore, claim 19 is rejected under the same rationale as claim 3.

41. **As to claim 20**, rejection of claim 4 is incorporated and further claim 20 recites limitations as recited in claim 4, therefore, claim 20 is rejected under the same rationale as claim 4.

42. **As to claim 25**, rejection of claim 9 is incorporated and further claim 25 recites limitations as recited in claims 9, therefore, claim 25 is rejected under the same rationale as claim 9.

43. **As to claim 26**, rejection of claims 10 is incorporated and further claim 26 recites limitations as recited in claims 10, therefore, claim 26 is rejected under the same rationale as claims 10.

44. **As to claim 27**, rejection of claims 11 is incorporated and further claim 27 recites limitations as recited in claims 11, therefore, claim 27 is rejected under the same rationale as claims 11.

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45. **As to claim 28**, rejection of claims 12 is incorporated and further claim 28 recites limitations as recited in claims 12, therefore, claim 28 is rejected under the same rationale as claims 12.

46. **As to claim 29**, rejection of claims 13 is incorporated and further claim 29 recites limitations as recited in claims 13, therefore, claim 29 is rejected under the same rationale as claims 13.

47. **As to claim 30**, rejection of claims 14 is incorporated and further claim 30 recites limitations as recited in claims 14, therefore, claim 30 is rejected under the same rationale as claims 14.

48. **As to claim 31**, rejection of claims 15 is incorporated and further claim 31 recites limitations as recited in claims 15, therefore, claim 31 is rejected under the same rationale as claims 15.

49. **As to claim 32**, rejection of claim 16 is incorporated and further claim 32 recites limitations as recited in claims 16, therefore, claim 32 is rejected under the same rationale as claim 16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlene Gordon whose telephone number is

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(703) 605-4226. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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C.G. / C.Y.

  
ANIL KHATRI  
PRIM'NER